THE MYSORE REPRESENTATIVE ASSEMBLY OF 1915.

GENERAL SUBJECTS.

LEGISLATION.

(Nos. 1–12.)

SUBJECT NO. 1.

Suits against Government.

(*a*) Messrs. S. R. Balakrishna Rao, K. Shankaranarayana Rao, C. Subba Rao, S. Sitaramaiya and other members of the Shimoga District.
(*b*) Mr. K. Chandrasekhariah, Bar Association, Mysore.

Summary of discussion.—(*a*) The Civil Procedure Code may be so amended as to make it similar to the law of British India. As it is, the aggrieved party has to take the risk of suing the officer concerned, and if the officer is beyond the reach of the Mysore courts when the decree is passed or even during the trial, the party will be without remedy. As officers are constantly transferred, it is difficult to sue the particular officers concerned and even if a particular officer is sued, on his transfer or retirement, his successor has to be brought on the record. This procedure involves delay and expense. Suits against Government may be allowed as in British India.

(*b*) The Civil Procedure Code may be so amended as to allow suits against Government.

Reply of Government.—Under consideration.

SUBJECT NO. 2.

Preliminary decree in Civil Suits to be dispensed with.

Messrs. Sreenivasa Murthi, Alur sub-taluk and K. Ramanna, Hole-Narsipur taluk.

Summary of discussion.—The preliminary and final decrees in a civil suit involve loss of time and additional cost to both parties. An amendment may be made in the provisions of the Civil Procedure Code to dispense with the preliminary decree.

Mr. Ramanna.—Records are sent to Central Records and have to be got back before a final decree is passed. This involves delay. The defendant is made to pay a higher rate of interest, namely, the contract rate up to the date fixed by the court. The additional cost and the delay can be avoided if the old system is substituted.

Mr. V. Raghavachar.—Under the existing practice relief against the person is not granted till the property is sold. Additional cost is also incurred by both parties and the provisions of the law may be amended to avoid these.

Messrs. Srinivasa Rao and Kesaviah argued to the contrary and said that the proposal, if sanctioned, would be harassing to the debtors.

Reply of Government.—Will be considered.